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[Sanitized copy attached]

Telegram 05637 From the Embassy in Argentina to the Department of State, August 27, 1976, 2020Z.

In a full review of the human rights situation in Argentina, the Embassy concluded that security forces were responsible for most abuses but that their actions did not appear to reflect official Argentine Government policy.

Source: National Archives, RG 59, Central Foreign Policy Files. Secret; Priority.

Repeated to Asunción, Brasília, Montevideo, and Santiago. In telegram 195912 to Buenos Aires, August 6, the Department requested the Embassy's assessment of the human rights situation, noting that human rights problems in Argentina had "come under rapidly escalating scrutiny in last few weeks." (Ibid.) (C) In telegram 04852 from Buenos Aires, July 23, the Embassy reviewed the junta's performance during its first four months in power noting that human rights abuses were "likely to continue and perhaps even increase in Argentina, thus placing serious strains on US-Argentine bilateral relations." (Ibid.) (declass) In telegram 05521 from Buenos Aires, August 24, the Embassy reported that elements of security forces had been responsible for the murder of 30 people whose bodies were found in a field near Pilar on August 20. (Ibid.) (S)

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E.O. 11652: XGDS-2
 TAGS: PFOR, PINS, PINT, SHUM, AR
 SUBJECT: HUMAN RIGHTS SITUATION IN ARGENTINA

REF : (A) STATE 195912, (B) BUENOS AIRES 4852, (C) BUENOS AIRES 5521

1. SUMMARY: POLITICAL VIOLENCE, WITH CONSEQUENT VIOLATIONS OF HUMAN RIGHTS, HAS BEEN A FEATURE OF ARGENTINE LIFE FOR SEVERAL YEARS. LEFT-WING TERRORISM BEGAN IN 1969 AND OVER THE YEARS HAS BEEN RESPONSIBLE FOR HUNDREDS OF POLITICAL ASSASSINATIONS, KIDNAPPINGS AND ATTACKS AGAINST PRIVATE PROPERTY AND MILITARY AND POLICE INSTALLA-

TIONS. COUNTER, OR RIGHT-WING, TERRORISM APPEARED IN 1974 WITH THE EMERGENCE OF THE FAMOUS TRIPLE A (COMPRISED OF OFF-DUTY POLICEMEN AND LABOR GOONS). COUNTERTERROSIM, PRIOR TO THE CHANGE OF GOVT, HOWEVER, SEEMED TO BE AIMED NOT SO MUCH AT LEFTIST TERRORISTS AS AT PROGRESSIVE POLITICAL FIGURES AND OPPONENTS OF MRS. PERON AND LOPEZ REGA. ITS VICTIMS NUMBERED IN THE HUNDREDS AND IT WAS GUILTY OF SHOCKING ATROCITIES. THIS, THEN, WAS THE SITUATION THE MILITARY INHERITED WHEN IT TOOK POWER ON MARCH 24 OF THIS YEAR. PRESIDENT VIDELA

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IMMEDIATELY PROMISED TO DEFEAT LEFT-WING TERRORISM AND AT THE SAME TIME TO RESPECT HUMAN RIGHTS; THE GOVERNMENT, HE SAID, WOULD MONOPOLIZE POWER (I.E. VIGILANTE ACTIVITIES OUTSIDE THE LAW WOULD NOT BE TOLERATED). IN TERMS OF THE STRUGGLE AGAINST LEFTIST SUBVERSION, VIDELA HAS BEEN AS GOOD AS HIS WORD. THE GOVT HAS HAD MARKED SUCCESS. THE ERP HAS BEEN SEVERELY DAMAGED IF NOT NEUTRALIZED. THE MONTONEROS HAVE SUFFERED IMPORTANT LOSSES. THE HOPE THAT COUNTERTERRORISM WOULD BE BROUGHT UNDER CONTROL, HOWEVER, HAS NOT BEEN REALIZED. IF ANYTHING, COUNTERTERRORISM HAS INCREASED. KIDNAPPINGS, TORTURES AND MURDERS OF REAL OR SUSPECTED "LEFTISTS" ARE COMMON-PLACE--OFTEN ON THE FLIMSIEST PRETEXTS. FURTHER, IT IS CLEAR THAT IN MOST CASES THE SECURITY FORCES THEMSELVES, OR AT LEAST ELEMENTS THEREOF, ARE THE AUTHORS OF THESE ABUSES. PRESIDENT VIDELA AND THOSE AROUND HIM CONTINUE TO INSIST THAT THIS DOES NOT REPRESENT GOVT POLICY, WHICH REMAINS ONE OF RESPECT FOR HUMAN RIGHTS. POLICY OR NOT, HOWEVER, POLICE VIOLATIONS OF HUMAN RIGHTS REMAIN UNCURBED. THERE IS COUNTRADICTORY EVIDENCE AS TO WHY. SOME BELIEVE BIDELA IS SIMPLY INSINCERE IN HIS PROTESTATIONS. THIS CANNOT BE DISPROVED OR REJECTED OUT OF HAND. WHAT SEEMS MORE LIKELY, HOWEVER, IS THAT THE SECURITY FORCES ARE TAKING ADVANTAGE OF DIVISIONS WITHIN THE GOVT, UNCLEAR POLICY GUIDELINES, FUZZY LINES OF COMMAND AND THE FACT THAT THE GOVT MUST DEPEND UPON THEM IN ITS FIGHT AGAINST SUBVERSION. IN SHORT, BECAUSE OF THESE CONDITIONS, THE SECURITY FORCES ARE OPERATING WITH MISSION-TYPE ORDERS WITHOUT MUCH SUBSEQUENT REFERENCE TO THE TOP LEVELS OF CONTROL. EVEN IF THIS IS THE CASE, OF COURSE, THE RESULTS ARE THE SAME. HUMAN RIGHTS VIOLATIONS CONTINUE. THE WILLINGNESS AND ABILITY OF THE PRESENT LEADERS OF THE GOA TO CORRECT THIS SITUATION AND STOP HUMAN RIGHTS VIOLATIONS ARE NOT YET CLEAR, BUT THERE IS SOME EVIDENCE THAT THEY ARE MOVING IN THE RIGHT DIRECTION. THE POLITICAL AMBIANCE IN WHICH THEY ARE OPERATING IS COMPLEX IN THE EXTREME AND THE OPTIONS ARE FEW. EVEN THOUGH LEADERS OF WHAT MIGHT BE DESCRIBED AS THE POLITICAL OPPOSITION (THE UCR, THE PERONISTS, LABOR LEADERS, ETC) ARE DEEPLY CONCERNED OVER THE QUESTION OF HUMAN RIGHTS, THEY REMAIN WILLING TO GIVE VIDELA THE BENEFIT OF THE DOUBT AND MORE TIME TO BRING ABOUT RECTIFICATIONS. THEY HAVE GOOD REASON TO BE PATIENT, FOR MOST OBSERVERS ARE CONVINCED THAT IF VIDELA IS PUSHED ASIDE, HE WOULD BE REPLACED BY SOMEONE FAR WORSE--PROBABLY A HARDLINER

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WHO WOULD NOT EVEN GIVE LIP SERVICE TO RESPECT FOR HUMAN RIGHTS. IN SUM, AS THE DEMOCRATIC FORCES IN THE COUNTRY SEE IT, VIDELA MAY BE A WEAK REED FOR THEM TO LEAN UPON, BUT HE IS THE ONLY REED THEY HAVE. PRESIDENT OF PERONIST PARTY, DEOLINOD BITTEL, JUST COMING OUT OF FOUR MONTHS OF HOUSE ARREST, FOR EXAMPLE, COMMENTED TO EMBOFFS ON AUG 26, "DR. BABBIN OF UCR AND I ARE IN FULL AGREEMENT THAT ONLY THE MOST IRRESPONSIBLY ARGENTINE WOULD WISH TO BRING ABOUT THE FAILURE OF THE VIDELA GOVT, FOR WHAT WOULD FOLLOW IT WOULD DOUBTLESS BE WORSE." END SUMMARY.

2. THE ENVIRONMENT OF TERRORISM. IN CONTRAST TO THE CHILEAN SITUATION, POLITICAL VIOLENCE AND HUMAN RIGHT SVIOLANTIONS ARE NOT A NEW FACTOR IN ARGENTINA. ANTI-GOVT TERRORISM AND REPRESSIVE COUNTERMEASURES ARE FAMILIAR THEMES IN RECENT ARGENTINE HISTORY. THE CURRENT STATE OF SIEGE WAS NOT INSTITUTED BY THE PRESENT GOVT; RATHER, IT WAS IMPOSED BY MRS. PERON'S GOVT (THE LANUSSE GOVT HAD ALSO RULED UNDER STATES OF SIEGE). POLITICAL PRISONERS IN SIGNIFICANT NUMBERS WERE HELD BY THE PREVIOUS REGIME, AND BY THE REGIME BEFORE THAT, AS WELL AS BY THE PRESENT GOVT. TERRORISM AND COUNTERTERRORISM REGULARLY LEFT BODIES IN THE STREETS WELL BEFORE THE LATEST MILITARY COUP. THERE HAS BEEN A RELATIVE RISE IN THE NUMBERS OF VICTIMS ON BOTH SIDES SINCE MARCH 24 OF THIS YEAR, BUT THE MAJOR CHANGE HAS BEEN IN THE DEGREE OF INTEREST SHOWN BY INTERNATIONAL OPINION. PRIOR TO THE CHANGE OF GOVT THERE WERE FEW EXPRESSIONS OF CONCERN FROM ABROAD CONCERNING COUNTERTERRORISM. NOW, SUCH EXPRESSIONS ARE COMMONPLACE.

3. THE TERRORIST THREAT FROM THE LEFT CERTAINLY DID NOT END ON MARCH 24. ON THE CONTRARY, SINCE THEN AN ESTIMATED 200 MILITARY AND POLICE HAVE BEEN KILLED BY TERROISTS AND AN UNKNOWN BUT SIGNIFICANT NUMBER OF CIVILIANS HAVE DIED AT THEIR HANDS. AN AVERAGE OF AT LEAST ONE ACTIVE OR RETIRED MEMBER OF THE MILITARY OR POLICE IS BEING KILLED EVERY DAY, AND BOMBINGS OF SPECIFIC TARGETS ARE COMMON. THERE HAVE BEEN SEVERAL "SPECTACULARS" SUCH AS THE KILLING OF THE FEDERAL POLICE CHIEF IN HIS OWN BED AND THE JULY BOMBING OF POLICE HEADQUARTERS. LEFT-WING TERRORISM HAS BEEN THE MOST SIGNIFICANT FACTOR IN ARGENTINA'S INABILITY TO ATTRACT FOREIGN INVESTMENT.

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4. GOA DRIVE TO CONTROL LEFTIST SUBVERSION. IN ITS DRIVE TO DEFEAT THE TERRORISTS, THE GOA HAS ACKNOWLEDGED KILLING SOME

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450 CLAIMED TERRORISTS SINCE MARCH 24, AND AN UNKNOWN BUT UNDOUBTEDLY LARGE NUMBER OF REAL OR SUSPECTED TERRORISTS AND "SUBVERSIVE" HAVE BEEN DETAINED. THE GOA HAS HAD CONSIDERABLE SUCCESS IN REDUCING THE ERP, BUT IT IS GENERALLY CONCEDED THAT THE MONTONEROS, DESPITE LOSSES, REMAIN A DANGEROUS AND INTACT ORGANIZATION OF AN ESTIMATED 7,000 MILITANTS. THIS BASIC STRUGGLE BETWEEN SECURITY FORCES AND TERRORIST ORGANIZATIONS IS LIKELY TO CONTINUE FOR AT LEAST ANOTHER YEAR OR SO WITH A CLEAR CUT VICTORY FOR THE GOA NOT YET ASSURED.

5. THE VISIBLE BATTLEFIELD . IT IS A GRIM FIGHT AND AS IN MOST SUCH STRUGGLES OF BLOOD AND PASSION THERE ARE VIOLATIONS OF

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HUMAN RIGHTS ON BOTH SIDES. ON THE GOVT SIDE, FOR EXAMPLE IT IS GENERALLY ACCEPTED THAT THE POLICE AND MILITARY ARE USING TORTURE TO OBTAIN INFORMATION FROM CAPTURED TERRORISTS. THIS TYPE OF ABUSE IS UNFORTUNATELY ALL TOO COMMON IN FORCES AROUND THE WORLD ENGAGED IN COMBAT WHEN IMMEDIATE OPERATIONAL INTELLIGENCE OF DIRECT AND URGENT CONCERN AND MEMBERS OF THE ENGAGED FORCES FEEL THAT THE "ENEMY" HAS FORFEITED ANY

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RIGHTS BY TAKING UP ARMS. AS IN MOST SUCH CIRCUMSTANCES, IT IS USUALLY IMPOSSIBLE TO PINPOINT THE DEGREE OF ABUSE OR SPECIFIC RESPONSIBILITY.

6. LEGAL DETENTIONS. ALSO AS PART OF THEIR VISIBLE EFFORTS AGAINST TERRORISM AND SUBVERSION, THE SECURITY FORCES HAVE DETAINED NUMEROUS PERSONS FOR INVESTIGATION AND QUESTIONING UNDER EITHER THE PROVISIONS OF THE STATE OF SIEGE, THE ARMS CONTROL LAWS, ETC. TREATMENT OF THOSE WHO ARE ACTUALLY "BOOKED" TENDS TO BE RELATIVELY "PROPER". THEIR HOMES MAY BE RANSACKED AND VALUABLES STOLEN DURING THE ARREST, BUT ONCE IN CUSTODY TORTURE DOES NOT SEEM TO BE ROUTINE. SOME ARE HELD INDEFINITELY, AS THEY LEGALLY CAN BE UNDER THE STATE OF SIEGE (SEE PARA 7), BUT
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OTHERS ARE FREED AFTER A SHORT TIME AND STILL OTHERS PASSED ON TO THE PROCEDURES OF THE REGULAR COURTS OR TO MILITARY COURTS MARTIAL WHEN THIS IS PRESCRIBED BY LAW.

7. STATE OF SIEGE. THE STATE OF SIEGE CURRENTLY IN EFFECT IN ARGENTINA WAS IMPOSED BY MRS. PERON'S GOVT ON NOV 6, 1974. THE CURRENT MILITARY GOVT HAS NOT CHANGED ITS STATUS. AS WITH STATE OF SIEGE PROVISIONS IN MOST LATIN AMERICAN CONSTITUTIONS WHICH HAVE BEEN REGULARLY INOKVED THROUGHOUT THEIR HISTORY, MANY INDIVIDUAL GUARANTEES ARE SUSPENDED, THE GOVT IS AUTHORIZED TO HOLD SUSPECTS INDEFINITELY AND TO MOVE THEM FROM PLACE TO PLACE WITHIN THE COUNTRY. HABEAS CORPUS IS SUSPENDED, AS ARE MANY OTHER RIGHTS, BUT JUDICIAL RECOURSE IS NOT ALTOGETHER ABSENT. SOONER OR LATER THOSE HELD UNDER THE STATE OF SIEGE MUST BE RELEASED. AND THE COURTS CONTINUE TO FUNCTION. THE STATE OF SIEGE IS NOT AN EXCEPTIONAL STATE OF AFFAIRS IN COUNTRIES SUCH AS ARGENTINA, AND A REASONALBE UTILIZATION OF SUCH POWERS BY THE GOVT IS ONOT CONSIDERED BY MOST ARGENTINES AS CINSTITUTI G A VILATION OF HUMAN RIGHTS. IT DOES BECOME QUESTIONABLE TO PUBLIC OPINION WHEN ABUSED, AS WITH THE MASS ROUNDUPS OF SUSPECTS IN SPORTS STADIUMS IN CHILE. SOME ARGENTINES ARE CONCERNED THAT THE GOVT HERE MAY BE VERGING ON ABUSE. AN ESTIMATED 3,000 TO 5,000 PERSONS ARE NOW DETAINED UNDER THE PROVISIONS OF THE STATE OF SIEGE. THE GOA HAS RELEASED NO TOTAL OR LIST OF THOSE DETAINED, AND AS VARIOUS INDIVIDUALS ARE RELEASED OTHERS ARE DETAINED; HENCE, IT IS ALMOST IMPOSSIBLE TO DETERMINE HOW MANY PRISONERS ARE BEING HELD FOR A "REASONABLE" FEW WEEKS OR A MONTH AND HOW MANY FOR AN "UNREASONABLE" FEW MONTHS. WHATEVER THE LENGTH OF TIME, ENOUGH PEOPLE ARE AFFECTED BY THE DETENTIONS SO THAT THERE IS WIDENING CONCERN.

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8. OTHER JURIDICAL MEASURES. IN ADDITION TO THE STATE OF SIEGE, THE GOA, SINCE TAKING POWER, HAS PROMULGATED A NUMBER OF NEW LAWS AND MODIFICATIONS TO OLD ONES. THE PENAL CODE HAS BEEN MODIFIED TO INCLUDE NEW OFFENSES AND TO INCREASE PENALTIES FOR TOERHS. CERTAIN LAWS, SUCH AS THE "ACT OF INSTITUTIONAL RESPONSIBILITY", DESCRIBED EVEN BY THE CAUTIOUS ARGENTINE PRESS AS "REVOLUTIONARY JUSTICE", CLEARLY APPEAR TO BE VIOLATIONS OF POLITICAL AND CIVIL RIGHTS BY ANY OBJECTIVE STANDARD, BUT THEY DO NOT APPEAR TO CONSTITUTE VIOLATIONS OF HUMAN RIGHT IN THE GENERALLY UNDERSTOOD SENSE. MOREOVER,

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THE REGULAR CIVIL COURTS CONTINUE TO FUNCTION. THEY ARE. FOR EXAMPLE, DEALING WITH CHARGES OF CORRUPTION AND OTHER ABUSES AGAINST MEMBERS OF THE DEPOSED GOVT. THE COURTS HAVE EVEN CHALLENGED THE GOA'S FAILURE TO OBSERVE A PROVISION OF THE CONSTITUTION WHICH PERMITS A PERSON HELD UNDER STATE OF SIEGE TO ELECT TO LEAVE THE COUNTRY, AND THE GOA HAS COMMITTED ITSELF TO RESOLVE THE LEGAL CONFLICT EXPLICIT IN THIS CASE.

9. COUNTERTERRORISM. WHILE THE ABOVE-DESCRIBED SPIN-OFF EFFECTS OF THE GOVT'S VISIBLE AND "LEGAL" DRIVE AGAINST LEFT-WING TERRORISM-E.G. A PROPENSITY NOT TO TAKE PRISONERS IN COMBAT, HARSH INTERROGATION OF CAPTURED TERRORISTS, LEGAL DETENTION OF THOSE SUSPECTED OF TERRORIST CONNECTIONS, AND EMERGENCY LEGISLATION WHICH SUSPENDS CERTAIN RIGHTS--MAY HAVE NEGATIVE IMPLICATIONS FOR THE HUMAN RIGHTS SITUATION, THEY DO NOT BY ANY MEANS REPRESENT THE MAIN PROBLEM. THE AREA WHICH IS THE CAUSE OF GREATEST CONCERN IS THE MUCH MORE COMPLEX AND OBSCURE MATTER OF COUNTERTERRORISM PRACTICED BY ELEMENTS OF THE SECURITY FORCES WHOSE AUTHORITY (IN TERMS OF THE ORIGIN OF THE ORDERS UPON WHICH THEY ACT) IS UNCLEAR. SINCE 1974, ELEMENTS COMMONLY DESCRIBED AS REPRESENTING THE "EXTREME RIGHT" OF THE POLITICAL SPECTRUM HAVE CONDUCTED THEIR OWN TERRORIST CAMPAIGN AGAINST THE LEFTIST GUERRILLAS AND, ALMOST INDISCRIMINATELY, AGAINST PERSONS AND GROUPS IDENTIFIED--SOMETIMES ONLY VERY VAGUELY SO--WITH THE LEFT. DURING MRS. PERON'S GOVT, THE BEST KNOWN OF THE RIGHTTIST COUNTERTERRORIST GROUPS WAS THE TRIPLE A, MADE UP LARGELY OF POLICE PERSONNEL OPERATING UNOFFICIALLY AND SOME LABOR UNION GOON SQUADS. WITHOUT DOUBT, THE TRIPLE A COUNTED WITH SUPPORT AT THE HIGHEST LEVELS OF MRS. PERON'S REGIME. WITH THE ADVENT OF THE MILITARY GOVT, THE TRIPLE A FADED FROM THE FOREFRONT (PROBABLY BECAUSE OF ITS IDENTIFICATION WITH THE PERON REGIME), BUT COUNTERTERRORISM, IF ANYTHING, INCREASED. OUR BEST ESTIMATE IS THAT SUCH ACTIVITIES

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ARE NOW CARRIED OUT ALMOST EXCLUSIVELY BY ACTIVE-DUTY AND RETIRED MILITARY AND POLICE PERSONNEL WHO ARE PURSUING THE ANTI-LEFTIST CAMPAIGN IN SOMETHING OF THE MANNER OF A CRUSADE. THE WORST OF THESE UNITS SEEMS TO SPRING FROM THE FEDERAL POLICE, RATHER THAN FROM THE MILITARY. THEIR METHOD OF OPERATION IS WELL KNOWN: CIVILIAN CLOTHES, MOVEMENT IN THE NIGHT IN UNMARKED CARS, KIDNAPPING (AS DISTINCT FROM THE LEGAL ARREST DESCRIBED IN PARA 6), TORTURE AND EVEN MURDER. THEIR VICTIMS HAVE SOMETIMES

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BEEN TARGETED ON THE FLIMMIEST OF PRETEXTS. THE FIVE PRIESTS WHO WERE MURDERED IN JULY, FOR EXAMPLE, HAD NOTHING TO DO WITH TERRORISM, NOR DID THE BISHOP OF LA RIOJA, WHO OSTENSIBLY WAS KILLED LAST MONTH IN AN AUTOMOBILE ACCIDENT BUT IS BELIEVED TO HAVE BEEN MURDERED BY RIGHTIST "DEATH SQUADS" A PARTICULAR TARGET HAS BEEN THE FOREIGN REFUGEE COMMUNITY LIVING IN ARGENTINA, PARTICULARLY URUGUAYANS AND CHILEANS, WITH THE MICHELINI-GUTIERREZ RUIZ MURDERS AND THE RECENT DISAPPEARANCE OF 17 URUGUAYAN REFUGEES THE MOST NOTORIOUS CASES SO FAR. THERE ARE NO STATISTICS CONCERNING THE NUMBERS OF KIDNAPPINGS, SESSIONS OF TORTURE AND BODIES LEFT SCATTERED ABOUT, BUT THE TOTAL SINCE MARCH MUST BE IN THE HUNDREDS.

10. WEEKS' CASE. TO BE SURE, THE LINE BETWEEN "LEGAL ARREST" AND "KIDNAPPING" IS SOMETIMES BLURRED. THE CASE OF FATHER JAMES MARTINE WEEKS IS PERHAPS ILLUSTRATIVE. WEEKS WAS TAKEN INTO

CUSTODY BY AIR FORCE INTELLIGENCE AGENTS IN CIVILIAN CLOTHES ON AUG 3. THE SEMINARY IN WHICH HE LIVED WAS RANSACKED AND MANY VALUABLES STOLEN. TO THE EX-NUN HOUSEKEEPER, THE INTRUDERS PRETENDED THEY WERE MONTONEROS, BUT THEY MADE NO SUCH PRETENSE TO WEEKS; TO HIM, THEY FREELY ADMITTED THEY WERE INTELLIGENCE AGENTS (SUGGESTING THEY MAY ORIGINALLY HAVE PLANNED TO KILL WEEKS AND THE OTHERS AND BLAME IT ON THE LEFT). WEEKS WAS NOT INVOLVED WITH SUBVERSION AND THE ONLY "EVIDENCE" FOUND AGAINST HIM WERE A

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FEW "MARXIST" BOOKS AND A "REVOLUTIONARY" RECORD. EVEN SO, WEEKS MIGHT NEVER HAVE BEEN SEEN AGAIN HAD IT NOT BEEN FOR THE EMBASSY'S URGENT INQUIRIES ON HIS BEHALF. ONCE THE EMBASSY'S INTEREST BECAME KNOWN, WEEKS AND THOSE ARRESTED WITH HIM APPARENTLY WERE SWITCHED FROM THE CATEGORY OF "CLANDESTINE DETAINEES" TO "LEGALLY ARRESTED". EVEN AT THAT, HOWEVER, THE GOA DENIED CONSULAR ACCESS FOR ALMOST TEN DAYS AND NEVER REPLIED TO US PROTEST NOTES ON THE SUBJECT.

11. OFFICIAL POSITION OF GOA: THE MODUS OPERANDI OF SECURITY FORECES ENGAGED IN THESE EXTRA-LEGAL ACTIVITIES MAKES IT CLEAR CLEAR THAT THEY ENJOY SUPPORT FROM ABOVE. THE QUESTION IS: HOW HIGH DOES THAT TOLERANCE REACH? ONE THEORY IS THAT THE TOP LEVELS OF THE GOA, INCLUDING PRESIDENT VIDELA, ARE FULLY AWARE AND APPROVE OF THESE SUB ROSA OPERATIONS. IN ORDER TO MUTE CONSEQUENT DAMAGE TO THE GOVT'S IMAGE AT HOME AND ABROAD, HOWEVER, THIS THEORY RUNS, VIDELA FEIGNS INNOCENCE AND PROMISES RECTIFICATIONS WHICH HE IN FACT HAS NO INTENTION OF MAKING. SUCH A THEORY CANNOT BE REJECTED OUT OF HAND, BUT SOME AVAILABLE EVIDENCE-SEE PARA 12--TENDS TO REFUTE IT, AND IT IMPUTES

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TO VIDELA A MORE MACHIAVELLIAN TURN OF MIND--AND A GREATER ABILITY TO DISSEMBLE--THAN HE APPEARS TO MERIT.

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12. GOA MUST DEPEND UPON SECURITY FORCES. VIDELA MUST BE AWARE OF THE MAYRIAD HUMAN RIGHTS VIOLATIONS, BUT THE FACTORS BEHIND HIS FAILURE TO CURB THOSE ABUSES ARE PROBABLY FAR MORE COMPLEX THAN THOSE SUGGESTED IN THE PARAGRAPH ABOVE. FIRST, UNLIKE THE PRESENT CHILEAN OR URUGUAYAN GOVTS, THE GOA FACES A DANGEROUS TERRORIST THREAT FROM THE LEFT, ONE WHICH IF NOT BROUGHT UNDER CONTROL COULD PARALYZE THE ECONOMY AND THREATEN THE VERY EXISTENCE OF THE GOVT. TO DEFEAT THAT THREAT, THE VIDELA GOVT MUST RELY ON THE EXISTING SECURITY FORCES. SO LONG AS THE THREAT FROM THE LEFT IS THERE, THEREFORE, THE GOVT WILL HESITATE TO TAKE STEPS TO CURB THE EXCESSES OF THE SECURITY FORCES IF THERE IS A HIGH RISK THAT IN SO DOING IT MIGHT DEMORALIZE, DIVIDE OR ALIENATE THEM. EVIDENCE THAT THE GOVT WOULD LIKE TO CONTROL THEM, HOWEVER, WAS SEEN IN THE APPOINTMENT IN EARLY JULY OF GEN CORBETTA AS CHIEF OF FEDERAL POLICE. CORBETTA STATED PUBLICLY THAT HE WOULD NOT TOLERATE ILLEGAL METHODS AND HE MADE GENUINE EFFORTS TO STOP THEM. HIS EFFORTS UNFORTUNATELY COINCIDED WITH THE BOMBING OF POLICE HEADQUARTERS IN EARLY JULY. WITHIN DAYS, POLICE EXTREMISTS HAD REACTED BY KILLING FIVE CATHOLIC PRIESTS AND DOZENS OF OTHER VICTIMS. CORBETTA WAS SOON FORCED OUT BY A NEAR MUTINY OF THE POLICE AND REPLACED BY AN OFFICER WHO, WHILE DESCRIBED AS HAVING THE SAME INCLINATIONS AS CORBETTA, TOOK COMMAND WITH A PUBLIC EXPRESSION OF SUPPORT FOR THE POLICE AND ANY MEASURES THEY DEEMED NECESSARY TO DEFEAT SUBVERSION. THE GOVT HAD TRIED AND FAILED TO CONTROL THE POLICE (SEE BUENOS AIRES 4852).

13. DIVISIONS WITHIN GOVT. SECONDLY, VIDELA MUST CONCERN HIMSELF NOT ONLY WITH THE REACTION OF THE SECURITY FORCES, BUT MUST ALSO GUARD HIS FLANKS WITHIN HIS OWN INSTITUTION. THERE ARE MANY OFFICERS WHO REGARD HIM AS TOO SOFT, OTHERS WHO OPPOSE HIS GOVT'S ECONOMIC PROGRAM, AND STILL OTHERS WHO ARE BITTERLY OPPOSED TO THE OPENING TO THE CIVILIAN POLITICAL SECTORS WHICH VIDELA AND VIOLA HOPE AT SOME POINT TO BRING ABOUT. SOME OBSERVERS HOLD THAT SHOULD VIDELA MOVE TO FORCE THE HUMAN RIGHTS ISSUE BEFORE HE HAS CONSOLIDATED HIS POLITICAL POSITION, THE RESULT MIGHT BE THAT IN THE ENSUING TURMOIL HE AND HIS MODERATE FOLLOWERS WOULD BE REMOVED FROM OFFICE AND BE REPLACED BY HARDLINERS WHO

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WOULD NOT EVEN WISH TO RESTRAIN COUNTERTERRORISM.

14. LACK OF COORDINATION. FINALLY, THE JUNTA SYSTEM ITSELF IS A CONTRIBUTING FACTOR. COLLEGIATE RULE AND DIVISION OF RESPONSIBILITIES AMONG THE THREE SERVICES MILITATE AGAINST

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A STRONG CENTRAL AUTHORITY AND CLEAR LINES OF COMMAND. THIS RESULTS IN A SITUATION IN WHICH EACH CORPS COMMANDER, EACH PROVINCIAL GOVERNOR, EACH MUNICIPAL INTERVENTOR AND SO ON DOWN THE LINE, TENDS TO OPERATE WITH A HIGH DEGREE OF INDEPENDENCE. IF A COMMANDER, OR GOVERNOR, IS ANTI-SEMITIC, THEN JEWS IN HIS DISTRICT ARE LIKELY TO HAVE A HARD TIME. IF HE IS ANTI-RADICAL, UCR HEADQUARTERS MAY BE CLOSED, ETC. THIS IS FURTHER COMPLICATED BY AN ABSENCE OF COORDINATION AMONG THE SERVICES OR AMONG INDIVIDUAL UNITS. CONFUSION OFTEN SEEMS TO REIGN. PEOPLE WORKING FOR THE ARMY ARE ARRESTED BY THE NAVY. PEOPLE WHO HAVE BEEN GIVEN A CLEAN BILL OF HEALTH AND RELEASED FROM DETENTION IN ONE ZONE ARE ARRESTED THE NEXT DAY IN ANOTHER. UNTIL THIS SITUATION IS CORRECTED, UNTIL THERE ARE CLEAR GUIDELINES AND CLEAR LINES OF COMMAND FROM A STRONG CENTRAL AUTHORITY CAPABLE OF ENFORCING ITS ORDERS, EXCESSES ON THE PART OF THE SECURITY FORCES ARE NOT LIKELY TO BE EFFECTIVELY CONTROLLED.

15. CONCLUSIONS IN SUM, WHILE HUMAN RIGHTS ABUSES ARE CERTAINLY OCCURRING IN ARGENTINA, THEY DO NOT APPEAR TO RESULT FROM A POLICY ON THE PART OF THE TOP LEVELS OF THE GOA; RATHER, THEY REPRESENT ACTS ON THE PART OF ELEMENTS OF THE SECURITY FORCES WHICH THE PRESENT LEADERS OF THE GOVT, BECAUSE OF THE CONDITIONS MENTIONED ABOVE, ARE HAMPERED OR PREVENTED FROM CONTROLLING. THIS IS NOT TO SAY THE GOA DOES NOT, IN THE END, BEAR RESPONSIBILITY. AND IF THE PRESENT LEADERS CANNOT IN DUE TIME BRING THEIR SUBORDINATES UNDER CONTROL, THEY CANNOT EXPECT TO CONTINUE TO CONVINCE OTHER GOVTS OR PRIVATE INVESTORS THAT THE GOA IS WORTHY OF CONFIDENCE. HENCE, WHAT IS IN QUESTION MORE THAN ANYTHING ELSE ARE THE INTENTIONS--AND THE ABILITY--OF THE PRESENT LEADERSHIP TO CLEAR UP LINES OF COMMAND, BRING THE SECURITY FORCES FIRMLY UNDER CONTROL, AND CURB HUMAN RIGHTS VIOLATIONS. THERE IS SOME EVIDENCE THAT THEY ARE MOVING IN THAT DIRECTION. SANCTIONS HAVE BEEN PROMISED AGAINST THOSE (POLICE) RESPONSIBLE FOR THE MASS MURDER ON AUG 20 (SEE BUENOS AIRES 5521). I CORPS COMMANDER, MOREOVER, HAS INSTRUCTED MILITARY FORCES IN HIS AREA TO APPREHEND "UNAUTHORIZED" PERSONS OR GROUPS OPERATING

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AGAINST LEFTISTS (SEE IR 6804 0212). FURTHER, PROJECTED CHANGES IN THE MILITARY COMMAND STRUCTURE MAY REPRESENT A FIRST STEP ON VIDELA'S PART TOWARD CONSOLIDATING HIS POSITION. CERTAINLY MOST ARGENTINE POLITICAL, RELIGIOUS AND LABOR LEADERS WITH WHOM WE ARE IN CONTACT, WHILE VERY DISTURBED OVER THE EXCESSES AT THIS POINT, REMAIN WILLING TO GIVE VIDELA THE BENEFIT OF THE DOUBT AND HOPE THAT HE WILL YET RIGHT THESE WRONGS. INDEED,

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THEY HAVE FEW OTHER OPTIONS, FOR THE CONSENSUS OF OPINION IS THAT IF VIDELA AND THE MODERATES ARE REPLACED, THEY WILL BE REPLACED BY HARDLINERS, EVEN LESS ACCEPTABLE TO THOSE CONCERNED OVER HUMAN RIGHTS. A HIGH-RANKING OFFICIAL OF THE OFFICE OF THE PRESIDENCY RECENTLY STATED TO EMBOFF: "WE KNOW WE MUST GET HUMAN RIGHTS MATTER UNDER CONTROL AND WE WANT TO DO SO, BUT IF WE MOVE PRECIPITATELY THE ONLY RESULT MAY BE THE OVERTHROW OF VIDELA, AND WHAT GOOD WILL THAT DO THE CAUSE OF HUMAN RIGHTS IN ARGENTINA?" THE PRESIDENT OF THE PERONIST PARTY, DEOLINDO BITTEL, VIRTUALLY ECHOED THESE WORDS IN A REMARK TO EMBOFFS ON AUG 26 CONCERNING POSSIBILITY OF IMPROVEMENT IN HUMAN RIGHTS SITUATION. "TO BE SURE, THERE MUST BE RECTIFICATIONS", "HE SAID, "BUT IT WOULD BE FOLLY TO PUSH VIDELA SO HARD THAT WE PUSH HIS GOVT TO FAILURE."

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E.O. 11652: XGDS-2
 TAGS: PFOR, PINS, PINT, SHUM, AR
 SUBJECT: HUMAN RIGHTS SITUATION IN ARGENTINA

REF : (A) STATE 195912, (B) BUENOS AIRES 4852, (C) BUENOS AIRES 5521

1. SUMMARY: POLITICAL VIOLENCE, WITH CONSEQUENT VIOLATIONS OF HUMAN RIGHTS, HAS BEEN A FEATURE OF ARGENTINE LIFE FOR SEVERAL YEARS. LEFT-WING TERRORISM BEGAN IN 1969 AND OVER THE YEARS HAS BEEN RESPONSIBLE FOR HUNDREDS OF POLITICAL ASSASSINATIONS, KIDNAPPINGS AND ATTACKS AGAINST PRIVATE PROPERTY AND MILITARY AND POLICE INSTALLA-

TIONS. COUNTER, OR RIGHT-WING, TERRORISM APPEARED IN 1974 WITH THE EMERGENCE OF THE FAMOUS TRIPLE A (COMPRISED OF OFF-DUTY POLICEMEN AND LABOR GOONS). COUNTERTERROSIM, PRIOR TO THE CHANGE OF GOVT, HOWEVER, SEEMED TO BE AIMED NOT SO MUCH AT LEFTIST TERRORISTS AS AT PROGRESSIVE POLITICAL FIGURES AND OPPONENTS OF MRS. PERON AND LOPEZ REGA. ITS VICTIMS NUMBERED IN THE HUNDREDS AND IT WAS GUILTY OF SHOCKING ATROCITIES. THIS, THEN, WAS THE SITUATION THE MILITARY INHERITED WHEN IT TOOK POWER ON MARCH 24 OF THIS YEAR. PRESIDENT VIDELA

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IMMEDIATELY PROMISED TO DEFEAT LEFT-WING TERRORISM AND AT THE SAME TIME TO RESPECT HUMAN RIGHTS; THE GOVERNMENT, HE SAID, WOULD MONOPOLIZE POWER (I.E. VIGILANTE ACTIVITIES OUTSIDE THE LAW WOULD NOT BE TOLERATED). IN TERMS OF THE STRUGGLE AGAINST LEFTIST SUBVERSION, VIDELA HAS BEEN AS GOOD AS HIS WORD. THE GOVT HAS HAD MARKED SUCCESS. THE ERP HAS BEEN SEVERELY DAMAGED IF NOT NEUTRALIZED. THE MONTONEROS HAVE SUFFERED IMPORTANT LOSSES. THE HOPE THAT COUNTERTERRORISM WOULD BE BROUGHT UNDER CONTROL, HOWEVER, HAS NOT BEEN REALIZED. IF ANYTHING, COUNTERTERRORISM HAS INCREASED. KIDNAPPINGS, TORTURES AND MURDERS OF REAL OR SUSPECTED "LEFTISTS" ARE COMMON-PLACE--OFTEN ON THE FLIMSIEST PRETEXTS. FURTHER, IT IS CLEAR THAT IN MOST CASES THE SECURITY FORCES THEMSELVES, OR AT LEAST ELEMENTS THEREOF, ARE THE AUTHORS OF THESE ABUSES. PRESIDENT VIDELA AND THOSE AROUND HIM CONTINUE TO INSIST THAT THIS DOES NOT REPRESENT GOVT POLICY, WHICH REMAINS ONE OF RESPECT FOR HUMAN RIGHTS. POLICY OR NOT, HOWEVER, POLICE VIOLATIONS OF HUMAN RIGHTS REMAIN UNCURBED. THERE IS CONTRADICTORY EVIDENCE AS TO WHY. SOME BELIEVE VIDELA IS SIMPLY INSINCERE IN HIS PROTESTATIONS. THIS CANNOT BE DISPROVED OR REJECTED OUT OF HAND. WHAT SEEMS MORE LIKELY, HOWEVER, IS THAT THE SECURITY FORCES ARE TAKING ADVANTAGE OF DIVISIONS WITHIN THE GOVT, UNCLEAR POLICY GUIDELINES, FUZZY LINES OF COMMAND AND THE FACT THAT THE GOVT MUST DEPEND UPON THEM IN ITS FIGHT AGAINST SUBVERSION. IN SHORT, BECAUSE OF THESE CONDITIONS, THE SECURITY FORCES ARE OPERATING WITH MISSION-TYPE ORDERS WITHOUT MUCH SUBSEQUENT REFERENCE TO THE TOP LEVELS OF CONTROL. EVEN IF THIS IS THE CASE, OF COURSE, THE RESULTS ARE THE SAME. HUMAN RIGHTS VIOLATIONS CONTINUE. THE WILLINGNESS AND ABILITY OF THE PRESENT LEADERS OF THE GOA TO CORRECT THIS SITUATION AND STOP HUMAN RIGHTS VIOLATIONS ARE NOT YET CLEAR, BUT THERE IS SOME EVIDENCE THAT THEY ARE MOVING IN THE RIGHT DIRECTION. THE POLITICAL AMBIANCE IN WHICH THEY ARE OPERATING IS COMPLEX IN THE EXTREME AND THE OPTIONS ARE FEW. EVEN THOUGH LEADERS OF WHAT MIGHT BE DESCRIBED AS THE POLITICAL OPPOSITION (THE UCR, THE PERONISTS, LABOR LEADERS, ETC) ARE DEEPLY CONCERNED OVER THE QUESTION OF HUMAN RIGHTS, THEY REMAIN WILLING TO GIVE VIDELA THE BENEFIT OF THE DOUBT AND MORE TIME TO BRING ABOUT RECTIFICATIONS. THEY HAVE GOOD REASON TO BE PATIENT, FOR MOST OBSERVERS ARE CONVINCED THAT IF VIDELA IS PUSHED ASIDE, HE WOULD BE REPLACED BY SOMEONE FAR WORSE--PROBABLY A HARDLINER

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WHO WOULD NOT EVEN GIVE LIP SERVICE TO RESPECT FOR HUMAN RIGHTS. IN SUM, AS THE DEMOCRATIC FORCES IN THE COUNTRY SEE IT, VIDELA MAY BE A WEAK REED FOR THEM TO LEAN UPON, BUT HE IS THE ONLY REED THEY HAVE. PRESIDENT OF PERONIST PARTY, DEOLINOD BITTEL, JUST COMING OUT OF FOUR MONTHS OF HOUSE ARREST, FOR EXAMPLE, COMMENTED TO EMBOFFS ON AUG 26, "DR. BABBIN OF UCR AND I ARE IN FULL AGREEMENT THAT ONLY THE MOST IRRESPONSIBLY ARGENTINE WOULD WISH TO BRING ABOUT THE FAILURE OF THE VIDELA GOVT, FOR WHAT WOULD FOLLOW IT WOULD DOUBTLESS BE WORSE." END SUMMARY.

2. THE ENVIRONMENT OF TERRORISM. IN CONTRAST TO THE CHILEAN SITUATION, POLITICAL VIOLENCE AND HUMAN RIGHT SVIOLANTIONS ARE NOT A NEW FACTOR IN ARGENTINA. ANTI-GOVT TERRORISM AND REPRESSIVE COUNTERMEASURES ARE FAMILIAR THEMES IN RECENT ARGENTINE HISTORY. THE CURRENT STATE OF SIEGE WAS NOT INSTITUTED BY THE PRESENT GOVT; RATHER, IT WAS IMPOSED BY MRS. PERON'S GOVT (THE LANUSSE GOVT HAD ALSO RULED UNDER STATES OF SIEGE). POLITICAL PRISONERS IN SIGNIFICANT NUMBERS WERE HELD BY THE PREVIOUS REGIME, AND BY THE REGIME BEFORE THAT, AS WELL AS BY THE PRESENT GOVT. TERRORISM AND COUNTERTERRORISM REGULARLY LEFT BODIES IN THE STREETS WELL BEFORE THE LATEST MILITARY COUP. THERE HAS BEEN A RELATIVE RISE IN THE NUMBERS OF VICTIMS ON BOTH SIDES SINCE MARCH 24 OF THIS YEAR, BUT THE MAJOR CHANGE HAS BEEN IN THE DEGREE OF INTERST SHOWN BY INTERNATIONAL OPINION. PRIOR TO THE CHANGE OF GOVT THERE WERE FEW EXPRESSIONS OF CONCERN FROM ABROAD CONCERNING COUNTERTERORISM. NOW, SUCH EXPRESSIONS ARE COMMONPLACE.

3. THE TERRORIST THREAT FROM THE LEFT CERTAINLY DID NOT END ON MARCH 24. ON THE CONTRARY, SINCE THEN AN ESTIMATED 200 MILITARY AND POLICE HAVE BEEN KILLED BY TERROISTS AND AN UNKNOWN BUT SIGNIFICANT NUMBER OF CIVILIANS HAVE DIED AT THEIR HANDS. AN AVERAGE OF AT LEAST ONE ACTIVE OR RETIRED MEMBER OF THE MILITARY OR POLICE IS BEING KILLED EVERY DAY, AND BOMBINGS OF SPECIFIC TARGETS ARE COMMON. THERE HAVE BEEN SEVERAL "SPECTACULARS" SUCH AS THE KILLING OF THE FEDERAL POLICE CHIEF IN HIS OWN BED AND THE JULY BOMBING OF POLICE HEADQUARTERS. LEFT-WING TERRORISM HAS BEEN THE MOST SIGNIFICANT FACTOR IN ARGENTINA'S INABILITY TO ATTRACT FOREIGN INVESTMENT.

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4. GOA DRIVE TO CONTROL LEFTIST SUBVERSION. IN ITS DRIVE TO DEFEAT THE TERRORISTS, THE GOA HAS ACKNOWLEDGED KILLING SOME 450 CLAIMED TERRORISTS SINCE MARCH 24, AND AN UNKNOWN BUT UNDOUBTEDLY LARGE NUMBER OF REAL OR SUSPECTED TERRORISTS AND "SUBVERSIVE" HAVE BEEN DETAINED. THE GOA HAS HAD CONSIDERABLE SUCCESS IN REDUCING THE ERP, BUT IT IS GENERALLY CONCEDED THAT THE MONTONEROS, DESPITE LOSSES, REMAIN A DANGEROUS AND INTACT ORGANIZATION OF AN ESTIMATED 7,000 MILITANTS. THIS BASIC STRUGGLE BETWEEN SECURITY FORCES AND TERRORIST ORGANIZATIONS IS LIKELY TO CONTINUE FOR AT LEAST ANOTHER YEAR OR SO WITH A CLEAR CUT VICTORY FOR THE GOA NOT YET ASSURED.

5. THE VISIBLE BATTLEFIELD. IT IS A GRIM FIGHT AND AS IN MOST SUCH STRUGGLES OF BLOOD AND PASSION THERE ARE VIOLATIONS OF

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HUMAN RIGHTS ON BOTH SIDES. ON THE GOVT SIDE, FOR EXAMPLE. IT IS GENERALLY ACCEPTED THAT THE POLICE AND MILITARY ARE USING TORTURE TO OBTAIN INFORMATION FROM CAPTURED TERRORISTS. THIS TYPE OF ABUSE IS UNFORTUNATELY ALL TOO COMMON IN FORCES AROUND THE WORLD ENGAGED IN COMBAT WHEN IMMEDIATE OPERATIONAL INTELLIGENCE OF DIRECT AND URGENT CONCERN AND MEMBERS OF THE ENGAGED FORCES FEEL THAT THE "ENEMY" HAS FORFEITED ANY RIGHTS BY TAKING UP ARMS. AS IN MOST SUCH CIRCUMSTANCES, IT IS USUALLY IMPOSSIBLE TO PINPOINT THE DEGREE OF ABUSE OR SPECIFIC RESPONSIBILITY.

6. LEGAL DETENTIONS. ALSO AS PART OF THEIR VISIBLE EFFORTS AGAINST TERRORISM AND SUBVERSION, THE SECURITY FORCES HAVE DETAINED NUMEROUS PERSONS FOR INVESTIGATION AND QUESTIONING UNDER EITHER THE PROVISIONS OF THE STATE OF SIEGE, THE ARMS CONTROL LAWS, ETC. TREATMENT OF THOSE WHO ARE ACTUALLY "BOOKED" TENDS TO BE RELATIVELY "PROPER". THEIR HOMES MAY BE RANSACKED AND VALUABLES STOLEN DURING THE ARREST, BUT ONCE IN CUSTODY TORTURE DOES NOT SEEM TO BE ROUTINE. SOME ARE HELD INDEFINITELY, AS THEY LEGALLY CAN BE UNDER THE STATE OF SIEGE (SEE PARA 7), BUT

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OTHERS ARE FREED AFTER A SHORT TIME AND STILL OTHERS PASSED ON TO THE PROCEDURES OF THE REGULAR COURTS OR TO MILITARY COURTS MARTIAL WHEN THIS IS PRESCRIBED BY LAW.

7. STATE OF SIEGE. THE STATE OF SIEGE CURRENTLY IN EFFECT IN ARGENTINA WAS IMPOSED BY MRS. PERON'S GOVT ON NOV 6, 1974. THE CURRENT MILITARY GOVT HAS NOT CHANGED ITS STATUS. AS WITH STATE OF SIEGE PROVISIONS IN MOST LATIN AMERICAN CONSTITUTIONS WHICH HAVE BEEN REGULARLY INOVKED THROUGHOUT THEIR HISTORY, MANY INDIVIDUAL GUARANTEES ARE SUSPENDED, THE GOVT IS AUTHORIZED TO HOLD SUSPECTS INDEFINITELY AND TO MOVE THEM FROM PLACE TO PLACE WITHIN THE COUNTRY. HABEAS CORPUS IS SUSPENDED, AS ARE MANY OTHER RIGHTS, BUT JUDICIAL RECOURSE IS NOT ALTOGETHER ABSENT. SOONER OR LATER THOSE HELD UNDER THE STATE OF SIEGE MUST BE RELEASED. AND THE COURTS CONTINUE TO FUNCTION. THE STATE OF SIEGE IS NOT AN EXCEPTIONAL STATE OF AFFAIRS IN COUNTRIES SUCH AS ARGENTINA, AND A REASONALBE UTILIZATION OF SUCH POWERS BY THE GOVT IS ONOT CONSIDERED BY MOST ARGENTINES AS CINSTITUTI G A VILATION OF HUMAN RIGHTS. IT DOES BECOME QUESTIONABLE TO PUBLIC OPINION WHEN ABUSED, AS WITH THE MASS ROUNDUPS OF SUSPECTS IN SPORTS STADIUMS IN CHILE. SOME ARGENTINES ARE CONCERNED THAT

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THE GOVT HERE MAY BE VERGING ON ABUSE. AN ESTIMATED 3,000 TO 5,000 PERSONS ARE NOW DETAINED UNDER THE PROVISIONS OF THE STATE OF SIEGE. THE GOA HAS RELEASED NO TOTAL OR LIST OF THOSE DETAINED, AND AS VARIOUS INDIVIDUALS ARE RELEASED OTHERS ARE DETAINED; HENCE, IT IS ALMOST IMPOSSIBLE TO DETERMINE HOW MANY PRISONERS ARE BEING HELD FOR A "REASONABLE" FEW WEEKS OR A MONTH AND HOW MANY FOR AN "UNREASONABLE" FEW MONTHS. WHATEVER THE LENGTH OF TIME, ENOUGH PEOPLE ARE AFFECTED BY THE DETENTIONS SO THAT THERE IS WIDENING CONCERN.

8. OTHER JURIDICAL MEASURES. IN ADDITION TO THE STATE OF SIEGE, THE GOA, SINCE TAKING POWER, HAS PROMULGATED A NUMBER OF NEW LAWS AND MODIFICATIONS TO OLD ONES. THE PENAL CODE HAS BEEN MODIFIED TO INCLUDE NEW OFFENSES AND TO INCREASE PENALTIES FOR TOERHS. CERTAIN LAWS, SUCH AS THE "ACT OF INSTITUTIONAL RESPONSIBILITY", DESCRIBED EVEN BY THE CAUTIOUS ARGENTINE PRESS AS "REVOLUTIONARY JUSTICE", CLEARLY APPEAR TO BE VIOLATIONS OF POLITICAL AND CIVIL RIGHTS BY ANY OBJECTIVE STANDARD, BUT THEY DO NOT APPEAR TO CONSTITUTE VIOLATIONS OF HUMAN RIGHT IN THE GENERALLY UNDERSTOOD SENSE. MOREOVER,

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THE REGULAR CIVIL COURTS CONTINUE TO FUNCTION. THEY ARE. FOR EXAMPLE, DEALING WITH CHARGES OF CORRUPTION AND OTHER ABUSES AGAINST MEMBERS OF THE DEPOSED GOVT. THE COURTS HAVE EVEN CHALLENGED THE GOA'S FAILURE TO OBSERVE A PROVISION OF THE CONSTITUTION WHICH PERMITS A PERSON HELD UNDER STATE OF SIEGE TO ELECT TO LEAVE THE COUNTRY, AND THE GOA HAS COMMITTED ITSELF TO RESOLVE THE LEGAL CONFLICT EXPLICIT IN THIS CASE.

9. COUNTERTERRORISM. WHILE THE ABOVE-DESCRIBED SPIN-OFF EFFECTS OF THE GOVT'S VISIBLE AND "LEGAL" DRIVE AGAINST LEFT-WING TERRORISM-E.G. A PROPENSITY NOT TO TAKE PRISONERS IN COMBAT, HARSH INTERROGATION OF CAPTURED TERRORISTS, LEGAL DETENTION OF THOSE SUSPECTED OF TERRORIST CONNECTIONS, AND EMERGENCY LEGISLATION WHICH SUSPENDS CERTAIN RIGHTS--MAY HAVE NEGATIVE IMPLICATIONS FOR THE HUMAN RIGHTS SITUATION, THEY DO NOT BY ANY MEANS REPRESENT THE MAIN PROBLEM. THE AREA WHICH IS THE CAUSE OF GREATEST CONCERN IS THE MUCH MORE COMPLEX AND OBSCURE MATTER OF COUNTERTERRORISM PRACTICED BY ELEMENTS OF THE SECURITY FORCES WHOSE AUTHORITY (IN TERMS OF THE ORIGIN OF THE ORDERS UPON WHICH THEY ACT) IS UNCLEAR. SINCE 1974, ELEMENTS COMMONLY DESCRIBED AS REPRESENTING THE "EXTREME

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RIGHT" OF THE POLITICAL SPECTRUM HAVE CONDUCTED THEIR OWN TERRORIST CAMPAIGN AGAINST THE LEFTIST GUERRILLAS AND, ALMOST INDISCRIMINATELY, AGAINST PERSONS AND GROUPS IDENTIFIED-- SOMETIMES ONLY VERY VAGUELY SO--WITH THE LEFT. DURING MRS. PERON'S GOVT, THE BEST KNOWN OF THE RIGHTTIST COUNTERTERRORIST GROUPS WAS THE TRIPLE A, MADE UP LARGELY OF POLICE PERSONNEL OPERATING UNOFFICIALLY AND SOME LABOR UNION GOON SQUADS. WITHOUT DOUBT, THE TRIPLE A COUNTED WITH SUPPORT AT THE HIGHEST LEVELS OF MRS. PERON'S REGIME. WITH THE ADVENT OF THE MILITARY GOVT, THE TRIPLE A FADED FROM THE FOREFRONT (PROBABLY BECAUSE OF ITS IDENTIFICATION WITH THE PERON REGIME), BUT COUNTERTERRORISM, IF ANYTHING, INCREASED. OUR BEST ESTIMATE IS THAT SUCH ACTIVITIES ARE NOW CARRIED OUT ALMOST EXCLUSIVELY BY ACTIVE-DUTY AND RETIRED MILITARY AND POLICE PERSONNEL WHO ARE PURSUING THE ANTI-LEFTIST CAMPAIGN IN SOMETHING OF THE MANNER OF A CRUSADE. THE WORST OF THESE UNITS SEEMS TO SPRING FROM THE FEDERAL POLICE, RATHER THAN FROM THE MILITARY. THEIR METHOD OF OPERATION IS WELL KNOWN: CIVILIAN CLOTHES, MOVEMENT IN THE NIGHT IN UNMARKED CARS, KIDNAPPING (AS DISTINCT FROM THE LEGAL ARREST DESCRIBED IN PARA 6), TORTURE AND EVEN MURDER. THEIR VICTIMS HAVE SOMETIMES

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BEEN TARGETED ON THE FLIMIEST OF PRETEXTS. THE FIVE PRIESTS WHO WERE MURDERED IN JULY, FOR EXAMPLE, HAD NOTHING TO DO WITH TERRORISM, NOR DID THE BISHOP OF LA RIOJA, WHO OSTENSIBLY WAS KILLED LAST MONTH IN AN AUTOMOBILE ACCIDENT BUT IS BELIEVED TO HAVE BEEN MURDERED BY RIGHTIST "DEATH SQUADS" A PARTICULAR TARGET HAS BEEN THE FOREIGN REFUGEE COMMUNITY LIVING IN ARGENTINA, PARTICULARLY URUGUAYANS AND CHILEANS, WITH THE MICHELINI-GUTIERREZ RUIZ MURDERS AND THE RECRNT DISAPPEARANCE OF 17 URUGUAYAN REFUGEES THE MOST NOTORIOUS CASES SO FAR. THERE ARE NO STATISTICS CONCERNING THE NUMBERS OF KIDNAPPINGS, SESSIONS OF TORTURE AND BODIES LEFT SCATTERED ABOUT, BUT THE TOTAL SINCE MARCH MUST BE IN THE HUNDREDS.

10. WEEKS' CASE. TO BE SURE, THE LINE BETWEEN "LEGAL ARREST" AND "KIDNAPPING" IS SOMETIMES BLURRED. THE CASE OF FATHER JAMES MARTINE WEEKS IS PERHAPS ILLUSTRATIVE. WEEKS WAS TAKEN INTO

CUSTODY BY AIR FORCE INTELLIGENCE AGENTS IN CIVILIAN CLOTHES ON AUG 3. THE SEMINARY IN WHICH HE LIVED WAS RANSACKED AND MANY VALUABLES STOLEN. TO THE EX-NUN HOUSEKEEPER, THE INTRUDERS PRETENDED THEY WERE MONTONEROS, BUT THEY MADE NO SUCH PRETENSE

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TO WEEKS; TO HIM, THEY FREELY ADMITTED THEY WERE INTELLIGENCE AGENTS (SUGGESTING THEY MAY ORIGINALLY HAVE PLANNED TO KILL WEEKS AND THE OTHERS AND BLAME IT ON THE LEFT). WEEKS WAS NOT INVOLVED WITH SUBVERSION AND THE ONLY "EVIDENCE" FOUND AGAINST HIM WERE A

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FEW "MARXIST" BOOKS AND A "REVOLUTIONARY" RECORD. EVEN SO, WEEKS MIGHT NEVER HAVE BEEN SEEN AGAIN HAD IT NOT BEEN FOR THE EMBASSY'S URGENT INQUIRIES ON HIS BEHALF. ONCE THE EMBASSY'S INTEREST BECAME KNOWN, WEEKS AND THOSE ARRESTED WITH HIM APPARENTLY WERE SWITCHED FROM THE CATEGORY OF "CLANDESTINE DETAINEES" TO "LEGALLY ARRESTED". EVEN AT THAT, HOWEVER, THE GOA DENIED CONSULAR ACCESS FOR ALMOST TEN DAYS AND NEVER REPLIED TO US PROTEST NOTES ON THE SUBJECT.

11. OFFICIAL POSITION OF GOA: THE MODUS OPERANDI OF SECURITY FORECES ENGAGED IN THESE EXTRA-LEGAL ACTIVITIES MAKES IT CLEAR CLEAR THAT THEY ENJOY SUPPORT FROM ABOVE. THE QUESTION IS: HOW HIGH DOES THAT TOLERANCE REACH? ONE THEORY IS THAT THE

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TOP LEVELS OF THE GOA, INCLUDING PRESIDENT VIDELA, ARE FULLY AWARE AND APPROVE OF THESE SUB ROSA OPERATIONS. IN ORDER TO MUTE CONSEQUENT DAMAGE TO THE GOVT'S IMAGE AT HOME AND ABROAD, HOWEVER, THIS THEORY RUNS, VIDELA FEIGNS INNOCENCE AND PROMISES RECTIFICATIONS WHICH HE IN FACT HAS NO INTENTION OF MAKING. SUCH A THEORY CANNOT BE REJECTED OUT OF HAND, BUT SOME AVAILABLE EVIDENCE-SEE PARA 12--TENDS TO REFUTE IT, AND IT IMPUTES

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TO VIDELA A MORE MACHIAVELLIAN TURN OF MIND--AND A GREATER ABILITY TO DISSEMBLE--THAN HE APPEARS TO MERIT.

12. GOA MUST DEPEND UPON SECURITY FORCES. VIDELA MUST BE AWARE OF THE MAYRIAD HUMAN RIGHTS VIOLATIONS, BUT THE FACTORS BEHIND HIS FAILURE TO CURB THOSE ABUSES ARE PROBABLY FAR MORE COMPLEX THAN THOSE SUGGESTED IN THE PARAGRAPH ABOVE. FIRST, UNLIKE THE PRESENT CHILEAN OR URUGUAYAN GOVTS, THE GOA FACES A DANGEROUS TERRORIST THREAT FROM THE LEFT, ONE WHICH IF NOT BROUGHT UNDER CONTROL COULD PARALYZE THE ECONOMY AND THREATEN THE VERY EXISTENCE OF THE GOVT. TO DEFEAT THAT THREAT, THE VIDELA GOVT MUST RELY ON THE EXISTING SECURITY FORCES. SO LONG AS THE THREAT FROM THE LEFT IS THERE, THEREFORE, THE GOVT WILL HESITATE TO TAKE STEPS TO CURB THE EXCESSES OF THE SECURITY FORCES IF THERE IS A HIGH RISK THAT IN SO DOING IT MIGHT DEMORALIZE, DIVIDE OR ALIENATE THEM. EVIDENCE THAT THE GOVT WOULD LIKE TO CONTROL THEM, HOWEVER, WAS SEEN IN THE APPOINTMENT IN EARLY JULY OF GEN CORBETTA AS CHIEF OF FEDERAL POLICE. CORBETTA STATED PUBLICLY THAT HE WOULD NOT TOLERATE ILLEGAL METHODS AND HE MADE GENUINE EFFORTS TO STOP THEM. HIS EFFORTS UNFORTUNATELY COINCIDED WITH THE BOMBING OF POLICE HEADQUARTERS IN EARLY JULY. WITHIN DAYS, POLICE EXTREMEISTS HAD REACTED BY KILLING FIVE CATHOLIC PRIESTS AND DOZENS OF OTHER VICTIMS. CORBETTA WAS SOON FORCED OUT BY A NEAR MUTINY OF THE POLICE AND REPLACED BY AN OFFICER WHO, WHILE DESCRIBED AS HAVING THE SAME INCLINATIONS AS CORBETTA, TOOK COMMAND WITH A PUBLIC EXPRESSION OF SUPPORT FOR THE POLICE AND ANY MEASURES THEY DEEMED NECESSARY TO DEFEAT SUBVERSION. THE GOVT HAD TRIED AND FAILED TO CONTROL THE POLICE (SEE BUENOS AIRES 4852).

13. DIVISIONS WITHIN GOVT. SECONDLY, VIDELA MUST CONCERN HIMSELF NOT ONLY WITH THE REACTION OF THE SECURITY FORCES, BUT MUST ALSO GUARD HIS FLANKS WITHIN HIS OWN INSTITUTION. THERE ARE MANY OFFICERS WHO REGARD HIM AS TOO SOFT, OTHERS WHO OPPOSE

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HIS GOVT'S ECONOMIC PROGRAM, AND STILL OTHERS WHO ARE BITTERLY OPPOSED TO THE OPENING TO THE CIVILIAN POLITICAL SECTORS WHICH VIDELA AND VIOLA HOPE AT SOME POINT TO BRING ABOUT. SOME OBERVERS HOLD THAT SHOULD VIDELA MOVE TO FORCE THE HUMAN RIGHTS ISSUE BEFORE HE HAS CONSOLIDATED HIS POLITICAL POSITION, THE RESULT MIGHT BE THAT IN THE ENSUING TURMOIL HE AND HIS MODERATE FOLLOWERS WOULD BE REMOVED FROM OFFICE AND BE REPLACED BY HARDLINERS WHO

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WOULD NOT EVEN WISH TO RESTRAIN COUNTERTERRORISM.

14. LACK OF COORDINATION. FINALLY, THE JUNTA SYSTEM ITSELF IS A CONTRIBUTING FACTOR. COLLEGIATE RULE AND DIVISION OF RESPONSIBILITIES AMONG THE THREE SERVICES MILITATE AGAINST A STRONG CENTRAL AUTHORITY AND CLEAR LINES OF COMMAND. THIS RESULTS IN A SITUATION IN WHICH EACH CORPS COMMANDER, EACH PROVINCIAL GOVERNOR, EACH MUNICIPAL INTERVENTOR AND SO ON DOWN THE LINE, TENDS TO OPERATE WITH A HIGH DEGREE OF INDEPENDENCE. IF A COMMANDER, OR GOVERNOR, IS ANTI-SEMITIC, THEN JEWS IN HIS DISTRICT ARE LIKELY TO HAVE A HARD TIME. IF HE IS ANTI-RADICAL, UCR HEADQUARTERS MAY BE CLOSED, ETC. THIS IS FURTHER COMPLICATED BY AN ABSENCE OF COORDINATION AMONG THE SERVICES OR AMONG INDIVIDUAL UNITS. CONFUSION OFTEN SEEMS TO REIGN. PEOPLE WORKING FOR THE ARMY ARE ARRESTED BY THE NAVY. PEOPLE WHO HAVE BEEN GIVEN A CLEAN BILL OF HEALTH AND RELEASED FROM DETENTION IN ONE ZONE ARE ARRESTED THE NEXT DAY IN ANOTHER. UNTIL THIS SITUATION IS CORRECTED, UNTIL THERE ARE CLEAR GUIDELINES AND CLEAR LINES OF COMMAND FROM A STRONG CENTRAL AUTHORITY CAPABLE OF ENFORCING ITS ORDERS, EXCESSES ON THE PART OF THE SECURITY FORCES ARE NOT LIKELY TO BE EFFECTIVELY CONTROLLED.

15. CONCLUSIONS IN SUM, WHILE HUMAN RIGHTS ABUSES ARE CERTAINLY OCCURRING IN ARGENTINA, THEY DO NOT APPEAR TO RESULT FROM A POLICY ON THE PART OF THE TOP LEVELS OF THE GOA; RATHER, THEY REPRESENT ACTS ON THE PART OF ELEMENTS OF THE SECURITY FORCES WHICH THE PRESENT LEADERS OF THE GOVT, BECAUSE OF THE CONDITIONS MENTIONED ABOVE, ARE HAMPERED OR PREVENTED FROM CONTROLLING. THIS IS NOT TO SAY THE GOA DOES NOT, IN THE END, BEAR RESPONSIBILITY. AND IF THE PRESENT LEADERS CANNOT IN DUE TIME BRING THEIR SUBORDINATES UNDER CONTROL, THEY CANNOT EXPECT TO CONTINUE TO CONVINCE OTHER GOVTS OR PRIVATE INVESTORS THAT THE GOA IS WORTHY OF CONFIDENCE. HENCE, WHAT IS IN QUESTION MORE THAN ANYTHING ELSE ARE THE INTENTIONS--AND THE ABILITY--OF

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THE PRESENT LEADERSHIP TO CLEAR UP LINES OF COMMAND, BRING THE SECURITY FORCES FIRMLY UNDER CONTROL, AND CURB HUMAN RIGHTS VIOLATIONS. THERE IS SOME EVIDENCE THAT THEY ARE MOVING IN THAT DIRECTION. SANCTIONS HAVE BEEN PROMISED AGAINST THOSE (POLICE) RESPONSIBLE FOR THE MASS MURDER ON AUG 20 (SEE BUENOS AIRES 5521). I CORPS COMMANDER, MOREOVER, HAS INSTRUCTED MILITARY FORCES IN HIS AREA TO APPREHEND "UNAUTHORIZED" PERSONS OR GROUPS OPERATING

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AGAINST LEFTISTS [REDACTED] FURTHER, PROJECTED CHANGES IN THE MILITARY COMMAND STRUCTURE MAY REPRESENT A FIRST STEP ON VIDELA'S PART TOWARD CONSOLIDATING HIS POSITION. CERTAINLY MOST ARGENTINE POLITICAL, RELIGIOUS AND LABOR LEADERS WITH WHOM WE ARE IN CONTACT, WHILE VERY DISTURBED OVER THE EXCESSES AT THIS POINT, REMAIN WILLING TO GIVE VIDELA THE BENEFIT OF THE DOUBT AND HOPE THAT HE WILL YET RIGHT THESE WRONGS. INDEED, THEY HAVE FEW OTHER OPTIONS, FOR THE CONSENSUS OF OPINION IS THAT IF VIDELA AND THE MODERATES ARE REPLACED, THEY WILL BE REPLACED BY HARDLINERS, EVEN LESS ACCEPTABLE TO THOSE CONCERNED OVER HUMAN RIGHTS. A HIGH-RANKING OFFICIAL OF THE OFFICE OF THE PRESIDENCY RECENTLY STATED TO EMBOFF: "WE KNOW WE MUST GET HUMAN RIGHTS MATTER UNDER CONTROL AND WE WANT TO DO SO, BUT IF WE MOVE PRECIPITATELY THE ONLY RESULT MAY BE THE OVERTHROW OF VIDELA, AND WHAT GOOD WILL THAT DO THE CAUSE OF HUMAN RIGHTS IN ARGENTINA?" THE PRESIDENT OF THE PERONIST PARTY, DEOLINDO BITTEL, VIRTUALLY ECHOED THESE WORDS IN A REMARK TO EMBOFFS ON AUG 26 CONCERNING POSSIBILITY OF IMPROVEMENT IN HUMAN RIGHTS SITUATION. "TO BE SURE, THERE MUST BE RECTIFICATIONS", HE SAID, "BUT IT WOULD BE POLLY TO PUSH VIDELA SO HARD THAT WE PUSH HIS GOVT TO FAILURE."

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